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UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

EPIC GAMES, INC.,  
 Plaintiff, Counter-defendant  
  
 v.  
 APPLE INC.,  
 Defendant, Counter-claimant

Case No. 4:20-cv-05640-YGR-TSH  
 Case No. 4:11-cv-06714-YGR-TSH  
 Case No. 4:19-cv-03074-YGR-TSH

**DEFENDANT APPLE INC.'S  
 ADMINISTRATIVE MOTION TO SEAL  
 DISCOVERY ORDER**

IN RE APPLE IPHONE ANTITRUST  
 LITIGATION

DONALD R. CAMERON, *et al.*,  
 Plaintiffs

Hon. Thomas S. Hixson

v.  
 APPLE INC.,  
 Defendant.

1 Pursuant to Federal Rule of Civil Procedure 26(c), Defendant Apple Inc. (“Apple”) moves the  
2 Court to partially seal its January 26, 2021 Discovery Order, Epic Games Dkt. 291. This motion is  
3 filed pursuant to the same Order, which instructed that “[a]ny party or Samsung may file proposed  
4 redactions to this order by noon January 28, 2021.” Epic Games Dkt. 291 at 10. Apple respectfully  
5 submits that sealing is appropriate to protect the confidentiality of Apple’s internal discussions and  
6 decision-making regarding the management of its business.

7 A party seeking to seal materials filed in connection with a non-dispositive motion must make  
8 a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c).  
9 *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1178–80 (9th Cir. 2006). Apple seeks to seal  
10 internal strategic decision-making discussions that, if disclosed, could reveal to competitors Apple’s  
11 reasoning for adopting, or not adopting, certain business initiatives or indications of Apple’s future  
12 plans. The public disclosure of such information would cause Apple economic harm and put it at  
13 competitive disadvantage. *See Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097 (9th  
14 Cir. 2016), *cert. denied sub nom. FCA U.S. LLC v. Ctr. for Auto Safety*, 137 S. Ct. 38 (2016) (finding  
15 there was a compelling reason for sealing when records contained business information that could be  
16 used to harm a litigant’s competitive standing); *see also Phillips v. Gen. Motors Corp.*, 307 F.3d 1206,  
17 1211 (9th Cir. 2002) (acknowledging courts’ “broad latitude” to “prevent disclosure of materials for  
18 many types of information, including, *but not limited to*, . . . confidential . . . commercial  
19 information”).

20 The information described in the portion of the Order sought to be sealed describes an internal  
21 process of discussion and a directive regarding improvement in a certain aspect of Apple’s service  
22 offerings. The Court has already sealed the document that appears to be its basis for making the  
23 statements that are sought to be sealed. *See* Epic Games Dkt. 287-13. Because this dispute does not  
24 implicate the merits of the case, the public will suffer no prejudice in its ability to follow the  
25 proceedings.

26 Apple therefore requests that the Court seal the following:  
27  
28

Document	Redacted Material
January 26, 2021 Discovery Order Filed Under Seal	Page 7, lines 9 through 11

Dated: January 28, 2021

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Ethan D. Dettmer  
Ethan D. Dettmer

Attorneys for Defendant Apple Inc.